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DOLLAR TREE STORES, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

17 KASSONDRA BAAS and KELLY LOFQUIST,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.

21 DOLLAR TREE STORES, INC.,

22 Defendant.

CASE NO. C 07-03108 JSW

**DECLARATION OF BETH HIRSCH
BERMAN**

DATE: April 4, 2008

TIME: 9:00 a.m.

DEPT.: Crtrm. 2, 17th Floor

JUDGE: Hon. Jeffrey S. White

COMPLAINT FILED: June 13, 2007

TRIAL DATE: No date set.

1 I, Beth Hirsch Berman, declare as follows:

2 1. I am over the age of eighteen and have personal knowledge of the facts
3 set forth below. If called upon as a witness, I could testify competently thereto.
4

5 2. I am a shareholder in the law firm of Williams Mullen, P.C., pro hac vice
6 counsel for Dollar Tree Stores, Inc. in the above captioned matter.

7 3. Attached as Exhibit A is a true and correct copy of the Initial Disclosures
8 received from Plaintiffs in this matter.

9 4. Attached as Exhibit B is a true and correct copy of Defendant, John D.
10 Hansen's Response to Defendant's Request for Production of Documents in the matter
11 of Miguel A. Cruz and John D. Hansen v. Dollar Tree Stores, Inc., Case No. 07-02050
12 SC. In Request No. 14, Dollar Tree asked Hansen to produce all documents referencing
13 his counsel's representation of Kassondra Bassignani (aka Kassondra Baas) and Kelly
14 Lofquist. Hansen declined to produce any such documents generally and specifically
15 relating to any informed waiver by Hansen with regard to his counsel's dual
16 representation.
17

18 5. As a result of Hansen's refusal to answer the foregoing request, a meet
19 and confer was held among Jeremy Fietz on behalf of Plaintiffs, and Maureen McClain
20 and me on behalf of Dollar Tree. Mr. Fietz, on behalf of Hansen, Cruz, Baas and
21 Lofquist continued to refuse to produce any documents relating to his clients informed
22 waiver. As a follow-up to the meet and confer, Maureen McClain sent an email to Mr.
23 Fietz, a true and correct copy of which is attached hereto as Exhibit C, advising Mr.
24 Fietz's that his continued refusal to provide any waivers or consents on the part of his
25 clients would cause Dollar Tree to oppose any attempted use on his part to rely on such
26 documents during the course of any proceedings.
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